

HOUSE CONCURRENT RESOLUTION NO.22

Reps. Hornberger, Steven Johnson, Reilly, Hoitenga, Eisen, Griffin, Meerman, Rendon, Allor, Paquette and Maddock offered the following concurrent resolution:

1 A concurrent resolution to demand that the Governor compile
2 and make publicly available certain data, to reject an extension of
3 the state of emergency or disaster, and to encourage the people of
4 Michigan to continue to practice safe social distancing.

5 Whereas, Under the Emergency Management Act, 1976 PA 390, the
6 Governor may declare a state of disaster and a state of emergency
7 for the reasons specified therein; and

8 Whereas, A state of disaster or state of emergency declared
9 under the Emergency Management Act continues until the Governor
10 finds that the threat or danger has passed, the disaster or
11 emergency has been dealt with to the extent that disaster or
12 emergency conditions no longer exist, or until the declared state



1 of disaster or emergency has been in effect for 28 days; and

2 Whereas, After 28 days, the Governor shall issue an executive
3 order or proclamation declaring the state of disaster or emergency
4 terminated, unless a request by the Governor for an extension of
5 the state of disaster or emergency for a specific number of days is
6 approved by resolution of both houses of the Legislature; and

7 Whereas, An executive order or proclamation declaring the
8 state of disaster or emergency shall indicate the area or areas
9 threatened, the conditions causing the emergency, and the
10 conditions permitting the termination of the state of emergency;
11 and

12 Whereas, On March 10, 2020, Governor Whitmer issued Executive
13 Order 2020-4 declaring a state of emergency across the entire state
14 of Michigan to address the COVID-19 pandemic; and

15 Whereas, On April 1, 2020, Governor Whitmer issued Executive
16 Order 2020-33 to replace Executive Order 2020-4 and expand the
17 initial March 10, 2020, declaration to include a state of disaster
18 related to the COVID-19 pandemic through April 30, 2020; and

19 Whereas, Executive Order 2020-33 states that the state of
20 emergency and the state of disaster will terminate when emergency
21 and disaster conditions no longer exist and appropriate programs
22 have been implemented to recover from any effects of the statewide
23 emergency and disaster, consistent with the legal authorities upon
24 which the declaration is based and any limits imposed by those
25 authorities, including Section 3 of the Emergency Management Act,
26 1976 PA 390, MCL 30.403; and

27 Whereas, On April 1, 2020, Governor Whitmer requested that the
28 Legislature pass a concurrent resolution extending the state of
29 emergency and state of disaster statewide across Michigan through



1 April 30, 2020; and

2 Whereas, On April 7, 2020, the Legislature passed Senate
3 Concurrent Resolution No. 24 authorizing Executive Order 2020-33
4 through April 30, 2020; and

5 Whereas, Governor Whitmer issued Executive Order 2020-42 to
6 replace Executive Order 2020-21, effective April 9, 2020, and
7 extend the suspension of certain activities across the entire state
8 of Michigan through April 30, 2020; and

9 Whereas, On April 24, 2020, Governor Whitmer issued Executive
10 Order 2020-59 to replace Executive Order 2020-42 and suspend
11 certain activities across the entire state of Michigan through May
12 15, 2020; and

13 Whereas, The duration of Executive Order 2020-59 through May
14 15, 2020, extends beyond the April 30, 2020, duration of Executive
15 Order 2020-33; and

16 Whereas, Governor Whitmer did not provide scientific data to
17 justify the state of emergency being declared equally across all 83
18 counties of the state of Michigan or to demonstrate that the
19 statewide suspension of certain activities under Executive Order
20 2020-42 and Executive Order 2020-59 were necessary, reasonable, and
21 not creating undue hardships; and

22 Whereas, Suspension of activities under Executive Order 2020-
23 42 and Executive Order 2020-59 placed arbitrary and inconsistent
24 restrictions, without reasonable scientific justification, on
25 particular activities of a person, sometimes resulting in
26 oppressive consequences, regardless of a person's efforts to
27 implement national guidelines for safe social distancing that
28 combat the spread of COVID-19 and without considering if a person
29 has recovered from COVID-19; and



1 Whereas, Executive Order 2020-42 and Executive Order 2020-59,
2 placed arbitrary and inconsistent restrictions, without reasonable
3 scientific justification, on some businesses but not on others,
4 regardless of efforts by a business to implement national
5 guidelines for safe social distancing that can combat the spread of
6 COVID-19; and

7 Whereas, Executive Order 2020-42 and Executive Order 2020-59
8 placed arbitrary and inconsistent restrictions, without reasonable
9 scientific justification, on individual's rights to associate,
10 assemble, worship, and travel, including but not limited to the
11 ability of a person to assemble for worship or see family members
12 outside of a person's household, regardless of efforts taken to
13 implement national guidelines for safe social distancing that can
14 combat the spread of COVID-19 and without considering if a person
15 has recovered from COVID-19; and

16 Whereas, COVID-19 has impacted population groups differently,
17 with some high-risk persons who are older or have underlying health
18 conditions being more vulnerable and other low-risk persons able to
19 safely participate in activities by following national guidelines
20 for safe social distancing or if they have recovered from COVID-19;
21 and

22 Whereas, COVID-19 has impacted areas and regions of the state
23 differently with some counties being able to effectively contain
24 the spread of COVID-19 by following national guidelines for safe
25 social distancing; now, therefore, be it

26 Resolved by the House of Representatives (the Senate
27 concurring), That we demand that the Governor compile and make
28 available within three days from the date of this concurrent
29 resolution, in a manner easily accessible by the public, detailed



1 data, summarized by county, on:

- 2 1. The daily number of available hospital related beds
3 occupied by all patients since January 1, 2020,
4 segregated by in-patient beds, negative air flow beds,
5 and intensive care unit (ICU) beds.
- 6 2. The daily number of available hospital-related beds
7 occupied by verified COVID-19 patients since January 1,
8 2020, segregated by in-patient beds, negative air flow
9 beds, and ICU beds.
- 10 3. The daily number of emergency room visits in total and
11 the daily number of emergency room visits by patients
12 testing positive for COVID-19 since January 1, 2020.
- 13 4. The daily number of verified COVID-19 hospitalizations
14 and verified COVID-19 deaths that are related to
15 retirement or nursing homes since January 1, 2020.
- 16 5. The daily number of verified COVID-19 hospitalizations
17 and verified COVID-19 deaths of individuals, who have had
18 other pre-existing or underlying health conditions, since
19 January 1, 2020, with a segregation of those health
20 conditions and a breakout of verified COVID-19
21 hospitalizations and verified COVID-19 deaths by age,
22 gender, and race.
- 23 6. The daily number of ventilators available and daily
24 inventories of hospital personal protective equipment
25 since April 9, 2020.
- 26 7. The number of medical professionals who have been
27 furloughed, had work hours reduced, or received a cut in
28 pay since March 10, 2020.

29 ; and be it further



1 Resolved, That we demand that all data related to emergency
2 room visits, hospitalizations, and deaths related to COVID-19
3 patients be verified and confirmed to be COVID-19 positive
4 patients, and the date of emergency visit, hospitalization, or
5 death be recorded as the actual date of occurrence, not the date of
6 any data adjustments being made subsequently; and be it further

7 Resolved, That we encourage the people of Michigan to continue
8 to follow national guidelines for safe social distancing; and be it
9 further

10 Resolved, That we reject an extension of the state of
11 emergency and state of disaster declared by Governor Whitmer in
12 Executive Order 2020-33 that is in effect through April 30, 2020;
13 and be it further

14 Resolved, That copies of this resolution be transmitted to the
15 Governor.

